

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

---

No. 99-1059NE

---

Donald H. Davis, Jr.,

Appellant,

v.

Officer Frank Laskley; Officer  
Jacque Points,

Appellees.

\*

\*

\* On Appeal from the United  
\* States District Court  
\* for the District of  
\* Nebraska.

\*

\* [Not To Be Published]

\*

\*

---

Submitted: June 6, 2000

Filed: June 14, 2000

---

Before RICHARD S. ARNOLD, BOWMAN, and BEAM, Circuit Judges.

---

PER CURIAM.

Donald H. Davis appeals the District Court's<sup>1</sup> denial of his Federal Rule of Civil Procedure 59(a) motion for a new trial, which Davis had sought on grounds that the District Court wrongly excluded certain evidence. To the extent we are able to review Davis's arguments on appeal without a trial transcript, see Fed. R. App. P 10(b)(1)(A) (appellant must order transcript); 8th Cir. R. 30A(b)(5) (same); Schmid v. United Bhd.

---

<sup>1</sup>The Honorable William G. Cambridge, Chief Judge, United States District Court for the District of Nebraska.

of Carpenters, 827 F.2d 384, 386 (8th Cir. 1987) (per curiam) (plaintiff's failure to provide complete transcript renders it impossible to review evidence presented at trial), we conclude that no legal error resulting in a miscarriage of justice occurred at Davis's trial. Thus, the Court did not abuse its discretion by denying a new trial, see Gray v. Bicknell, 86 F.3d 1472, 1480 (8th Cir. 1996) (authority to grant new trial is within discretion of trial court).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.